MUNICIPAL CORPORATIONS—ORDINANCES—SCATTERING PAPER—DISCRIMINATION.—CITY OF PHILADELPHIA V. BROBENDER, 51 Atl. 374 (Pa.) The municipal council of Philadelphia passed an ordinance prohibiting the casting of advertisements or hand bills not enclosed in envelopes and addressed (newspapers are excepted) into the vestibules, yards or on the porches of dwellings. *Held,* this is a proper exercise of the police power and does not discriminate against a class.

There is no class discrimination, unless those engaged in the same business are affected differently, *Soon Hing v. Crowley,* 113 U. S. 703. It was decided that a city ordinance might cover a private nuisance where it was incidental to a public nuisance even if it were not a common nuisance *per se.*

NEW TRIAL—PERSONAL INJURIES—CONDUCT OF PLAINTIFF.—MCGLOIN V. METROPOLITAN ST. RY., 75 N. Y. Supp. 593.—On the first day of a trial for personal injuries, after adjournment and in the presence of jurors, plaintiff became prostrated in the court room, was attended by physicians and after about twenty minutes removed from the room. There was evidence that his physical condition at the trial was the result of the injuries alleged. It was not alleged that the attack was simulated or purposely manifested before the jury, and in response to inquiry by the court, the jurors intimated that the occurrence would not affect their decision. *Held,* that the court's refusal to grant a new trial would not be disturbed.

Two judges dissent on the ground that what had occurred must inevitably have influenced the jury, and that it was practically testimony as to his alleged injuries the truth of which the defendant had no opportunity to question and therefore there was no fair trial in this respect. Their position would have been correct if there had been the least evidence of intentional misconduct by the plaintiff. 12 Enc. Pl. & Pr. 615.

REMOVAL OF CAUSES—SUFFICIENCY OF PETITION—FOREIGN CORPORATIONS. —THOMPSON V. SOUTHERN R. R., 41 S. E. 9 (N. C.).—Defendant tried to have the case removed from the State to the Federal court, alleging that it was a citizen of another State than that in which suit was brought and in which plaintiff lived. *Held,* that this allegation was insufficient as it did not state specifically that defendant was not a resident of the State in which suit was brought.

The reason for this decision was that the corporation might be a citizen both of a foreign State and of that in which suit was brought. The rule seems to be that all jurisdictional facts must be stated in the clearest possible manner. *Hirschl v. Machine Co.,* 42 Fed. 803; *Fife v. Whittell,* 102 Fed. 537. It has been held in other cases, however, that a mere allegation that the corporation is a citizen of another State is sufficient, as this precludes the idea of it being a citizen of the State where suit is brought. *Myers v. Murray,* 42 Fed. 695; *Shattuck v. Insurance Co.,* 7 C. C. A. 386.

STREET RAILWAYS—ELECTRIC—ADDITIONAL BURDEN TO ABUTTING PROPERTY OWNERS.—PECK ET AL. V. SCHENECTADY R. R. CO., 63 N. E. 357 (N. Y.).— *Held,* that the use of a city street by an electric road is an additional burden to the owners of the fee, for which they are entitled to compensation. Parker, C. J., and Werner, J., dissenting.